

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF TENNESSEE
4 AT CHATTANOOGA

5 ALEX HIXON,)
6)
7 Plaintiff,)
8) CIVIL ACTION FILE NO.
9 vs.)
10) 1:19-CV-00120-PLR-SKL
11 TENNESSEE VALLEY AUTHORITY)
12 BOARD OF DIRECTORS,)
13)
14 Defendant.)

15 TELEPHONIC DEPOSITION OF LON GLOVER

16 CHATTANOOGA, TENNESSEE

17 TUESDAY, JUNE 9, 2020

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23 REPORTED BY: TANYA L. VERHOVEN-PAGE,
24 CCR-B-1790

25 JOB NO. 180372

June 9, 2020

8:59 a.m.

Telephonic deposition of

LON GLOVER, held in Chattanooga,
Tennessee before Tanya L. Verhoven-Page,
Certified Court Reporter and Notary Public of
the State of Tennessee.

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(By Telephone)

- - -

I N D E X

WITNESS: LON GLOVER

Examination

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BY MR. MOHR

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BY MR. HAMILL

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BY MR. MOHR

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at Deposition

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Progress notes from
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initial visit

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Progress notes dated
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Exhibit 4

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1 L. GLOVER

2 CHATTANOOGA, TENNESSEE; TUESDAY, JUNE 9, 2020

3 8:59 A.M.

4
5 Thereupon --

6 LON GLOVER,
7 called as a witness, having been first duly sworn,
8 was examined and testified as follows:
9

10 EXAMINATION

11 BY MR. MOHR:

12 Q All right. Well, good morning,
13 Mr. Glover. I'm Mark Mohr with TVA. I have my
14 colleague, Mike Bernier, here.

15 As we get started here, have you
16 testified on any depositions before?

17 A I've never done a deposition before.

18 Q Have you testified in any other capacity
19 before?

20 A Never have.

21 Q Well, there are a couple of background
22 issues I'd like to go over, background questions
23 before we really begin.

24 First of all, this is a remote deposition
25 as you're aware. So if you have any technical

L. GLOVER

A That's --

Q And why did you do that?

A Well, probably because it was troubling him.

Q Was that something that he brought up or you brought up?

A I wouldn't know now, but I -- it wouldn't -- it wouldn't surprise me if he brought it up. He's a fairly open person.

Q Would he frequently volunteer information like that?

A Yes.

Q And who was Sarah?

A Sarah was his long-standing girlfriend at the time.

Q Okay. And why did you follow-up on that topic?

A Well, it's not an unusual topic for me to be involved with. In my counseling practice, people -- I see a number of couples. I see people who have intimate relationship problems, and that's going to be part of the depression he's experiencing.

He had broken up with a woman earlier, and he had this relationship with her, and she had a

1 L. GLOVER

2 small son, and their -- how they are getting along
3 affects his mood, and his mood is the main subject of
4 the therapy.

5 So, as I said, their main -- there are
6 main drivers for mood. One of them would be work,
7 one would be girlfriend, one would be maybe he wasn't
8 able to do what he wanted to do, one would be family
9 of origin, and those would be the main four areas,
10 health issues, et cetera.

11 So all of them affect mood.

12 Q Did Mr. Hixon's conditions change over
13 time?

14 A Well, he -- he's a little bit like the
15 more things change, the more they remain the same.

16 You know, it's like his moods would
17 change, circumstances could change, but he wasn't
18 quite getting to the level of feeling better about
19 his life that he wanted to get to except for brief
20 periods of time.

21 Q When was his condition at its worst?

22 A I thought, in my five years, the
23 particular -- well, actually, I'd say three. One
24 would be at the time he went back into the hospital
25 in October 2012 because that meant a resumption of

L. GLOVER

medication for pretty much the next year, and that's sort of a regression from his point of view. That would be one area where things just went to a lower level of functioning. In mood, I'm talking about. He could still work and still do the things he's required to do, but I'm talking about how he felt inside, and then --

Q What was that last line you said? I couldn't hear you.

A It had to do with how he felt inside. I mean, he could feel really bad, but he could still function is what I'm saying. It would be like --

Q Okay.

A He could do what he --

Q And what else were you saying?

A So then the second time would have been the -- from about Christmas of 2013 through the termination at TVA, that's been a pretty rough time. There was a lot of -- I think when he realized he was under scrutiny and so forth and not being able to work, his -- his -- he went -- he would have a pretty negative time, and then -- and then since I've learned that he was going to -- we were going to be in this legal process, I discovered he's having a

L. GLOVER

pretty hard time with a current knee problem from an injury he had. So, I mean, that's -- that's just knowledge I had. It's not like I'm in treatment with him, but --

Q Okay.

A Those are the three times. I don't really know how he's been doing that much in the last four years. So there might have been some worst times in there. Doug may know better than me.

Q So between 2012 and 2013, were they about on par with one another, or was one worse than the other?

A I think -- I think 2012 was -- that's hard to say. Hard to say. I mean, I think he was -- he was feeling pretty good about things going into Christmas of 2013, but then when he got the urine screen thing, and then it started to change. I think it -- it had some pretty deflating time for him.

I don't know how -- I don't know how to rate which one is worse for him. I mean, they were both bad.

Q Okay. What led to the onset of his depression in 2012?

A I'd have to go back and start looking at

L. GLOVER

the notes again.

Q You don't recall?

A Again, it's usually a combination of A, B, C and D. It's not one thing. I can't --

Q Okay.

A I think he had tried to go through the transcranial work with Dr. Teliho and had high hopes for that being a good antidepressant effect, and I think it disappointed him overall, and so I think he had a downer after that.

I think he was having troubles with his relationship with Sarah after that. So I think he had a negative spiral.

I'd have to look at --

Q How long did that period last for?

A How long did what last?

Q How long did that episode last for?

A That depressive episode was acute for the two days of hospitalization, but I think it was more like -- again, I'd have to look at the notes to see, but, like, three or four months trying to -- I characterize it as sort of being like in psychological intensive care.

Q And how did that episode affect his

L. GLOVER

day-to-day life?

A More of a slog, more of -- you know, it's hard to -- if you're in -- if you're just feeling a little bit of depression, you can learn from it, but if you have clinical depression, it's hard to do what would be good for you even if you know what to do.

So he might know it's good to go take a walk, but he might not do it anyway.

Q Did it have any concrete impacts on his day-to-day life?

A Sure.

Q What sort of impacts?

A I'm not going to be able to pull that up from memory. I mean, I know that it affects outlook, mood, feelings of, you know, despair, hopelessness, nothing to look forward to, but then you go through the motions more than you feel good.

Again --

Q And was he able to go through the motions?

A Excuse me?

Q Was he able to go through the motions?

A Say that again.

Q Was he able to go through the motions?

1 L. GLOVER

2 A Yes. That's what I've said about the
3 whole five years is he was like a clock. He could --
4 he would go even when he was in misery. That's
5 impressive about it him.

6 Q Was he able to work in 2012 during that
7 episode?

8 A My memory is he took a three-month
9 medical leave. I think that was signed off by
10 Dr. Teliho.

11 Q And so, at that point, he wasn't able to
12 mentally work?

13 A That would have been -- I don't know if
14 it was his conclusion, but it was his doctor's
15 conclusion, and he accepted it, and he took time off.

16 Q Could he have worked --

17 A I don't --

18 Q Did you disagree with that conclusion?

19 A No, I don't have a disagreement about it.
20 I'm just saying I don't know if Alex could have
21 worked even during that time. You know, I just don't
22 know. He's sort of strong-willed, but I think he
23 accepted the help and took the time off.

24 Q I'm going to pull up an exhibit here.

25 A What year are we in now?

1 L. GLOVER

2 (Glover Deposition Exhibit No. 4

3 was marked for the record.)

4 BY MR. MOHR:

5 Q Hang on. I'm introducing this as Exhibit
6 4.

7 Do you recognize this?

8 A Yes, I do.

9 Q And what is this?

10 A That's -- that's the doctor's statement
11 of -- that he's recommending medical leave for 120
12 days.

13 Q And do you see where Dr. Teliho says
14 symptoms include inability to focus -- focus or
15 concentrate?

16 A Right.

17 Q Do you agree with that assessment that he
18 couldn't focus or concentrate?

19 A Yes. At the time, I would say that would
20 be -- that would be my conclusion.

21 Q And do you see where Dr. Teliho said he
22 was suffering from poor memory?

23 A Yeah. I wouldn't have knowledge about
24 whether he was suffering from poor memory at the
25 time, but it wouldn't surprise me.

1 L. GLOVER

2 Q Why wouldn't it have surprised you?

3 A Because major depression, full on,
4 affects our sensorium. It affects our capacity to
5 think clearly, to focus, to recall. I mean, it's
6 just -- it can be overwhelming at times.

7 Q And did you notice this during your
8 interactions with him?

9 A I noticed it going up into the need to go
10 into the hospital, and I was telling him to -- we
11 call it PRN. It means as-needed. I was saying
12 you're not looking like you feel that good to me.
13 You let me know if something is getting worse, and
14 about a week later he admitted himself for a brief
15 hospitalization. I don't know -- it was quick. It
16 was over, but then he was kind of in the medication
17 world again.

18 Q Do you see where Dr. Teliho said he had a
19 decreased ability to interact with others adequately
20 in a work or social environment?

21 A Yes. I think -- I think he's saying that
22 that's why he would like him to take time off. I
23 don't know that that meant he was actually doing
24 that. I think he was saying that was a risk.

25 Q So do you disagree with that assessment

1 L. GLOVER

2 that he had a decreased ability to interact with
3 others?

4 A I don't disagree with it. I'm just
5 saying I don't think he was -- that he actually had
6 that happen because he went in the hospital and then
7 he didn't go back to work, at least I think that's
8 what happened.

9 Q This letter was -- so why was this letter
10 written? Did he have a decreased ability to interact
11 with others in your opinion?

12 Did you hear me?

13 A I did. I'm just -- I'm --

14 Q No, that's fine. I just wanted to make
15 sure there wasn't a technical problem.

16 A I don't know if I'm -- if I'm not
17 answering clearly. I would say that, as depressed as
18 he was, it would affect his ability to interact with
19 people at work and at home.

20 I would just think -- I would assume that
21 to be true. I don't have direct recall for whether
22 he was reporting that or if that's just a statement
23 that goes with depression itself and then, therefore,
24 you assume it.

25 Q How would it affect his ability to

L. GLOVER

interact with others?

A How would it?

Q Yes. How?

A Well, when you're depressed, you don't have much energy for interaction unless you just will yourself to overcome it.

Your natural --

Q And Dr. Teliho wrote -- what was that?

A You want to withdraw when you're really depressed.

Q Dr. Teliho below that says these symptoms now prevent him from working.

Do you agree that these symptoms prevented him from working?

A I don't disagree.

Q So why were you -- why were you saying that he was able to work then at this time? How do you square those two?

A I don't actually remember. When he -- what I'm saying is, from what I know of Alex, he was able to work for years with a depressed level of some kind. Whether it's, you know, severe enough to be hospitalized or above, he would carry a level of depression that he could still work and do his job

1 L. GLOVER

2 and still do his home -- work on his home.

3 It's impressive how much he could still
4 do while depressed. I'm not saying -- I think it's
5 wise that he wasn't working once he had been in the
6 hospital for those three months. I think it was a
7 good decision not to.

8 I don't know how he would have been at
9 work. That's just a speculation, but it wouldn't --

10 Q Why do you feel it was a good decision?

11 A Because he was hurting.

12 Q So was it a good decision for his work or
13 for him to get treatment or both?

14 What -- can you be more specific?

15 A Well, there is a thing called impairment,
16 and if you do get to a place where you're hurting so
17 much you're impaired, it's probably wise not to be at
18 work.

19 So, in that instance, it probably was
20 good for TVA. It was probably good for him not to be
21 at work while he was in that degree of distress.

22 Could he have done it is a speculation.
23 You know, I wouldn't have wanted to see him doing it
24 because he was hurting so much.

25 Q Okay. And how did this condition resolve

1 L. GLOVER

2 itself? How did that episode resolve itself in 2012?

3 A Well, I guess you'd say it resolved out
4 of the acute phase by medical management assistance
5 as a starter, and then I'd have to review the notes
6 to see what he was doing -- what he was able to
7 gradually generate in the way of what I call agency,
8 his own ability to pull himself out. Like --

9 Q What was his condition in the summer and
10 early fall of 2013?

11 A Say that again? What --

12 Q What was his condition like in the summer
13 and early fall of 2013?

14 A 2013?

15 Q And are you looking at anything to help
16 you refresh your recollection?

17 A No. I was thinking -- I was thinking if
18 I knew, and then I was thinking I would have to look.

19 Q Okay. If you look at anything, please
20 let me know what it is you're looking at.

21 A Where are we looking?

22 Q Please ask me if there's anything you
23 need to look at.

24 A Okay. But where in 2013 am I looking?

25 Q Don't look at any documents right now.

1 L. GLOVER

2 What was his condition in the summer and
3 early fall of 2013?

4 A I would -- I was needing to look at
5 documents to remind myself. I don't really know.

6 Q And is there something that would refresh
7 your recollection?

8 A If I just looked at some of my notes at
9 that time.

10 Q And which notes do you need to look at?

11 A The ones --

12 MR. HAMILL: Lon, take a look at --
13 hey, Lon. Go ahead and take a look at
14 your notes.

15 THE WITNESS: Okay.

16 BY MR. MOHR:

17 Q Well, if he -- if you could tell me what
18 notes you're looking at, please.

19 MR. HAMILL: He's looking at his
20 notes of 2013.

21 THE WITNESS: Well, are we talking
22 about the whole summer --

23 BY MR. MOHR:

24 Q What notes are you looking at?

25 A I'm just opening it up to August '13,

L. GLOVER

August 22nd. I don't know how to answer sort of the overview of the summer and fall of '13.

I mean, I -- I'd have to really just look at these and kind of go through them.

Q So you don't recall?

A No. Because it's just like trying to recall a chapter in a book. I don't remember what --

Q I'm going to show you an exhibit here. Hang on.

A Okay.

Q This is the June 21st, 2013 notes?

A June 21st?

Q 2013. Why is it not letting me --

A Okay.

Q Or did I already share this one?

A I've got a note, 6/21. Is that the one you're talking about?

Q Yeah. For some reason the exhibit button is grayed out. I'm having trouble loading the file. I wonder if it's because I have this other one open, I guess. There we go.

All right. Do you see on this page a note indicating that his girlfriend broke up with him?

1 L. GLOVER

2 A Yeah, but it's not on my screen. Is it
3 supposed to be?

4 Q Thank you for pointing that out. I
5 apologize. New technology for me, too.

6 A Now it's there. Yeah, I see it.

7 (Glover Deposition Exhibit No. 5
8 was marked for the record.)

9 BY MR. MOHR:

10 Q Okay. And this is Exhibit No. 5.
11 All right. I'll submit Exhibit 5.
12 Do you see that his girlfriend broke up
13 with him?

14 A Right.

15 Q And how did that impact his condition?

16 A Strongly.

17 Q Does this help refresh your recollection
18 how his condition was that summer and fall?

19 A It -- it helps me understand how he was
20 doing that day and during that period of time. I
21 don't know about the whole season.

22 Q How was he sleeping around that time?

23 A He's had sleeping trouble the whole time
24 I was knowing him.

25 Q And was that a constant?

L. GLOVER

he mentioned it?

A Not a whole lot.

Q Did you know what it was at all?

A Yeah, I knew it was synthetic THC, but I didn't -- I wasn't informed about what it's used for. I know now. I mean, I know it's used for nausea with --

Q At the time, were you aware of any potential side-effects?

A No, I wasn't at the time.

Q What were your -- did you have an opinion regarding his Marinol use?

A Well, knowing what I know, I would -- I would wonder why it would be prescribed to him. I know why it was. I know it was helpful to his sleep, but also the -- the dangers of its use seemed to be contraindicated to the job he's in.

Q And were those dangers that you were aware of at the time or dangers you've learned of since?

A Learned of since.

Q And what dangers are those?

A I'd have to refresh my memory. I think things like hallucinations, even. I mean, I think

1 L. GLOVER

2 contacted by TVA regarding Mr. Hixon? Do you recall?

3 A Well, mine would be, I think, 2014,
4 January, is when I talked to Dr. Leigh, and then we
5 had a series of letters and e-mails and stuff
6 through, like, February and March.

7 So like January through March I was
8 having -- actually through April.

9 Q Okay. Regarding that first communication
10 in January 2014, how did he contact you?

11 A Some conversation. I don't remember.

12 Q And what did he contact you regarding?

13 A This would be where, I guess, he's
14 wanting input on how Gary -- I mean, how Alex is
15 doing in his therapy to help them with their overall
16 assessment of how he's doing at TVA.

17 Q And what was your response?

18 A Trying to know what you expect from me,
19 what you need from me, what I can do to help.

20 Q Did you provide an opinion on his
21 condition?

22 A I did, but it's -- but I think it was in
23 real generalized terms, and it wasn't specific enough
24 to what he wanted or needed.

25 Q And why did you provide a general as

1 L. GLOVER

2 opposed to a specific response?

3 A As I told you at the beginning of this
4 deposition, I'm a pretty private person, and I'm very
5 serious about confidentiality. I live by the rule
6 that if you didn't -- if you can't say something to
7 somebody's face, don't say it behind their back, and
8 so I'm very cautious about exchanging knowledge as if
9 TVA is starting to be a client to me as well as Alex.
10 Because my obligation is to Alex.

11 So I tried to make that really clear to
12 Alex. You know, you have a right to confidentiality
13 if you don't want me talking to your employer, and
14 I'm uneasy, actually, in the role of talking to your
15 employer, but if you want me to, and he said he did,
16 and so I'm willing to do it, but I want to have what
17 I call full transparency. That means you will know
18 what I'm saying to them and they will know what -- in
19 reverse.

20 Q So Mr. Hixon did give you approval to
21 speak to TVA?

22 A Yes.

23 Q So at that point, did you provide any
24 specific examples or opinions regarding his
25 condition?

L. GLOVER

Q What was said about Marinol?

A That it's -- that he would have concerns about it -- Dr. Leigh would have concerns about its application in this instance, and that also that, if Alex were concerned about not passing the marijuana thing, that it was -- that it wouldn't be -- a positive wouldn't be grounds for termination because it would be a first offense for him.

Q Did you have many disagreements with what TVA was telling you about the Marinol and his condition?

A Well, I didn't have that much interaction with TVA about it. I don't have any argument with their point of view about the risk of Marinol in the work setting.

Q Okay. So did you ever provide TVA with an opinion on whether or not Mr. Hixon could work safely at TVA?

A No.

Q No, you did not provide an opinion?

A Right.

Q Do you have an opinion?

A Well, when he was working at TVA and working well and getting good reviews, I have a good

L. GLOVER

any further questions. So I think we're concluded, unless you need to amend a response.

Well, I appreciate your help, and I'll let you guys go.

(Thereupon, the deposition was concluded at approximately 1:30 p.m.)

LON GLOVER

Subscribed and sworn to before me
this_____ day of_____, 2020.

C E R T I F I C A T E

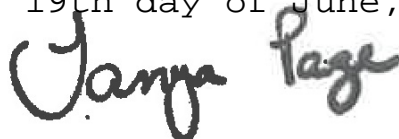
STATE OF TENNESSEE:

HAMILTON COUNTY :

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to written page under my direction, that the preceding pages represent a true and correct transcript of the evidence given by said witness.

I further certify that I am not of kin or counsel to the parties in the case, am not in the regular employ of counsel for any of said parties, nor am I in any way financially interested in the result of said case.

Dated this 19th day of June, 2020.



Tanya L. Verhoven-Page,
Certified Court Reporter,
B-1790.